

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION NOs.3233 & 3797 OF 2016

COMMON ORDER:

This criminal petition is filed under Section 482 of Cr.P.C to quash the order in CMP No.63 of 2016 dated 01.02.2016 including docket order dated 01.02.2016 in C.C.No.48 of 2015 on the file of the III Special Magistrate Court, Hyderabad and consequently prayed to direct the III Special Magistrate Court, Hyderabad to continue on its file.

It is the case of the petitioner that a complaint was filed before Chief Metropolitan Magistrate, Saket Court, New Delhi Court, as the cause of action arose at New Delhi and later, on the basis of the judgment reported by the Supreme Court in **Dashrath Rupsingh Rathod v. State of Maharashtra**¹, the matter was transferred to the XIV Addl. Chief Metropolitan Magistrate, Nampally at Hyderabad, and in turn made over to the III Special Magistrate, Hyderabad for deciding the matter, in accordance with law.

But, later, Act.No.26 of 2015 was passed by the Government of India and in view of the Act, at the stage of examination of the accused under Section 251 of Cr.P.C, the Court returned the complaint for presentation before the competent Court. When the Act was passed for continuing the proceedings before the competent Court where the proceedings were initiated, the Magistrate is under legal obligation to return the same and he has no jurisdiction to retain the matter before

¹ AIR 2014 SC 3519

it. Therefore, return of the complaint on presentation into the Court in pursuance of the Act by the Central Government, cannot be faulted and thereby the request of the petitioner cannot be acceded to, in view of the Act passed by the Government.

In the result, the criminal petitions are dismissed.

Consequently, miscellaneous petitions, if any, pending in these criminal petitions, shall stand closed. No costs.

Date:02.11.2016
SP

M. SATYANARAYANA MURTHY, J

